

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DANTE PATTISON,

Plaintiff,

vs.

GARRIT PRUYT, et al.,

Defendants.

Case No. 3:19-CV-00539-RCJ-CLB

ORDER

Plaintiff moves the Court to reconsider its previous order, (ECF No. 13), finding that any in forma pauperis appeal taken by Plaintiff would “not be taken ‘in good faith’ pursuant to 28 U.S.C. § 1915(a)(3).” Plaintiff argues that he raises “an issue of first impression”—whether Fed. R. Civ. P. 60(b) provides “the right to file ‘new independent equitable actions obtaining relief from judgment’”—and thus his appeal is not in bad faith. (ECF No. 14.)

However, Rule 60(b), by its own terms, only allows a party to file a motion in the original action—not an independent cause of action. *Cf. Transamerica Mortg. Advisors, Inc. v. Lewis*, 444 U.S. 11, 15 (1979) (“[W]hether a statute creates a cause of action . . . is basically a matter of statutory construction . . . [and] what must ultimately be determined is whether Congress intended to create a private remedy.”). Consequently, any appeal regarding such an argument would be

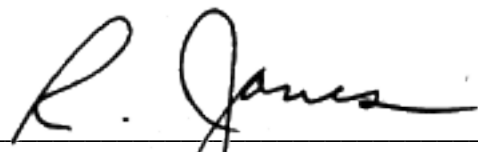
1 “plainly frivolous,” and the Court correctly declined to issue a certificate to pursue such an appeal
2 in forma pauperis. *John v. Gibson*, 270 F.2d 36, 38–39 (9th Cir. 1959) (citing *Farley v. United*
3 *States*, 354 U.S. 521, 522 (1957)). Accordingly, the Court denies Plaintiff’s motion.

4 **CONCLUSION**

5 IT IS HEREBY ORDERED that Plaintiff’s Motion for Reconsideration (ECF No. 14) is
6 DENIED.

7 IT IS SO ORDERED.

8 Dated July 8, 2020.

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12 ROBERT C. JONES
13 United States District Judge
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